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MEMORANDUM

TO: Mr. Dave Sullivan, Chair
Members of the Planning Commission

FROM: Wendy Rhoades, Principal Planner, Zoning Case Management
Planning and Development Review Department

WR

DATE: August 4, 2011

RE: 2605 Canterbury Street and 2601-2603 and 2607-2701 Canterbury Street

The item under discussion is a request to consider directing Staff to initiate a rezoning case from P-NP to SF-3-NP for the southern portion of 2605 Canterbury Street, specifically from the area at the top of the bluff to Lady Bird Lake. Based on the information provided below, the Commission may also wish to direct Staff to initiate: 1) a rezoning case for the adjacent properties on the south side of Canterbury Street, east of San Saba Street to Metz Park, and 2) a neighborhood plan amendment case to change the Future Land Use Map from Recreation & Open Space to Single Family for all of these properties.

In 1914, a group of people collectively gave a quit claim deed to the prospective buyers of the property which conveyed title to "all property or land lying between Outlots Numbers 42 and 53, Division O, H & T.C. Railroad Addition and to the water's edge of the Colorado River." Subsequently, the new owners of the property platted the land into the Annex to River View Addition subdivision, a plat recorded in 1916. The plat shows that the lots extend from Canterbury Street to the water's edge of Colorado River, but do not show the actual depth of these lots. On the plat is a "hatched line" which City Surveyors have indicated was a common symbol for the water's edge during this period in time.

In 1945, the City received a land patent, defined as evidence of right, title, and/or interest of land, usually granted by a central, federal, or state government to a governmental entity, or an individual or private company for "all lands in the Colorado River, within the city limits of the City of Austin, including the bed and banks thereof, and islands therein". It is possible that the language in the land patent may have been misconstrued to mean that all of the area below the bluff line (bed and banks) was now owned by the City of Austin.

Furthermore, based on this land patent, the Parks Department inadvertently designated this area at the top of the bluff to Lady Bird Lake as parkland on May 2, 1985 along Lady Bird Lake (Ordinance No. 850502-U, Tract N17). The subject property, the adjacent lots Canterbury Street east of San Saba Street, as well as Metz Park and Recreation Center and the Holly Power Plant were also zoned P, Public district on December 4, 1986 (C14-86-216). The rezonings accompanying the Holly Neighborhood Plan added an -NP to the base district (C14-01-0166). The Holly Neighborhood Plan designated this same area as Recreation and Open Space.

The property owner's Surveyor and the City's subdivision case manager for the Amended Plat of Lots 3 & 4, Block 8, Annex to River View Addition raised the issue that the lots included land zoned P-NP (C8-2010-0020.0A). Consultation with two of the City's Surveyors revealed that the City of Austin does not appear anywhere in the chain of title to the said property. Thus, it was determined the property is fee simple ownership to the adjacent property to the north, and that the City does not own this land. However, current TCAD information shows that title to this land is vested with the City.

The property is within the Festival Beach subdistrict of the Waterfront Overlay district which has a primary setback of 100 feet landward from the Town Lake shoreline and a secondary setback of 50 feet landward from the primary setback line. The primary setback area prohibits parking areas and structures, and limits development to park facilities [LDC Section 25-2-721(B)]. The secondary setback area allows for fountains, patios, terraces, outdoor restaurants, and similar uses and limits impervious cover to 30 percent [LDC Section 25-2-721(C)]. All of the P, Public zoned portion of 2601-2701 Canterbury Street (Lots 1-9, Annex to River View Addition plat of 1916) is within the primary setback area where no parking areas or structures are allowed.

Attachments:

- Aerial view of P-NP zoned property that is in private ownership
- Holly Neighborhood Plan FLUM showing designation as Recreation & Open Space
- 1914 Quit Claim Deed
- 1916 Recorded Plat of Annex to River View Addition
- 1945 Land Patent to the City of Austin
- 1985 Parkland Ordinance with description of Tract N17
- 1986 Rezoning Ordinance to P, Public district
- 2011 Amended Plat of Lots 3 & 4, Block 8, Annex to River View Addition
- 2011 TCAD information and map

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- Approximate location of primary and secondary setbacks for the Festival Beach subdistrict of the Waterfront Overlay district
- Correspondence from the Agent for 2605 Canterbury Street



02/5
FRANCISCO ST



Holly Neighborhood Planning Area Future Land Use Map

City of Austin
PDRD
November 28, 2001
Updated: May 12, 2011

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



| FLUM Categories | |
|-----------------|------------------------------|
| Single-Family | Office |
| Multifamily | Industry |
| Commercial | Civic |
| Mixed Use | Recreation & Open Space |
| | Specific Regulating District |

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The State of Texas#

County of Travis# Before me, F.C. Malone, a Notary Public on this day personally appeared A.P. Anderson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, at Austin, this 21 day of Aug. A.D. 1914.

(Notary Seal)

F.C. Malone, Notary Public,

Travis Co., Texas.

Filed Aug. 22, 1914 at 10 A.M. Recorded Aug. 22, 1914 at 10/15 A.M.

THE STATE OF TEXAS.

KNOW ALL MEN BY THESE PRESENTS:

That Dudley Olcott, 2nd, of Morristown, N.J. and James M. Wallace of Palisades, Rockland County, N.Y. or either of them, in consideration of the sum of Twenty Five and 00/100 (\$25.00) Dollars paid by W.R. Smith, I.P. Lochridge, Ben Morrall and F.M. DuBose of Travis County, State of Texas, has released, and by these presents does release and quit-claim unto the said W.R. Smith, I.P. Lochridge, Ben Morrall and F.M. DuBose all of his right, title, and interest in and to all that tract or parcel of land lying between Blocks Forty two (42) and fifty three (53) Division O, H. & T.C. R.R. Addition to the City of Austin and the waters edge of the Colorado River extending from an iron pin at the south west corner of Block Fifty three (53) to the edge of the water of the Colorado River; Thence eastwardly down the Colorado River to a point directly south of the south east corner of Block Forty two (42); Thence North to an iron pin marking the south east corner of Block Forty two (42) Thence southwestwardly along the boundary lines of Blocks forty two (42) and fifty three (53) to the place of beginning; the land herein conveyed being accretions to said Blocks forty two (42) and fifty three (53) along the bank of the Colorado River. Together with all and singular therights, members, hereditaments and appurtenances to the same belonging or in anywise incident or appertaining.

In testimony whereof I have hereunto set my hand this 25th day of July, 1914.

D. Olcott, 2d.

The State of New York#

County of New York# Before me, M.E. Hellstern a Notary Public in and for said County and State, on this day personally appeared D. Olcott, 2d, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 27 day of July, 1914.

(Notary Seal)

M.E. Hellstern, Notary Public Kings Co., Certificate Filed in N.Y. Co.

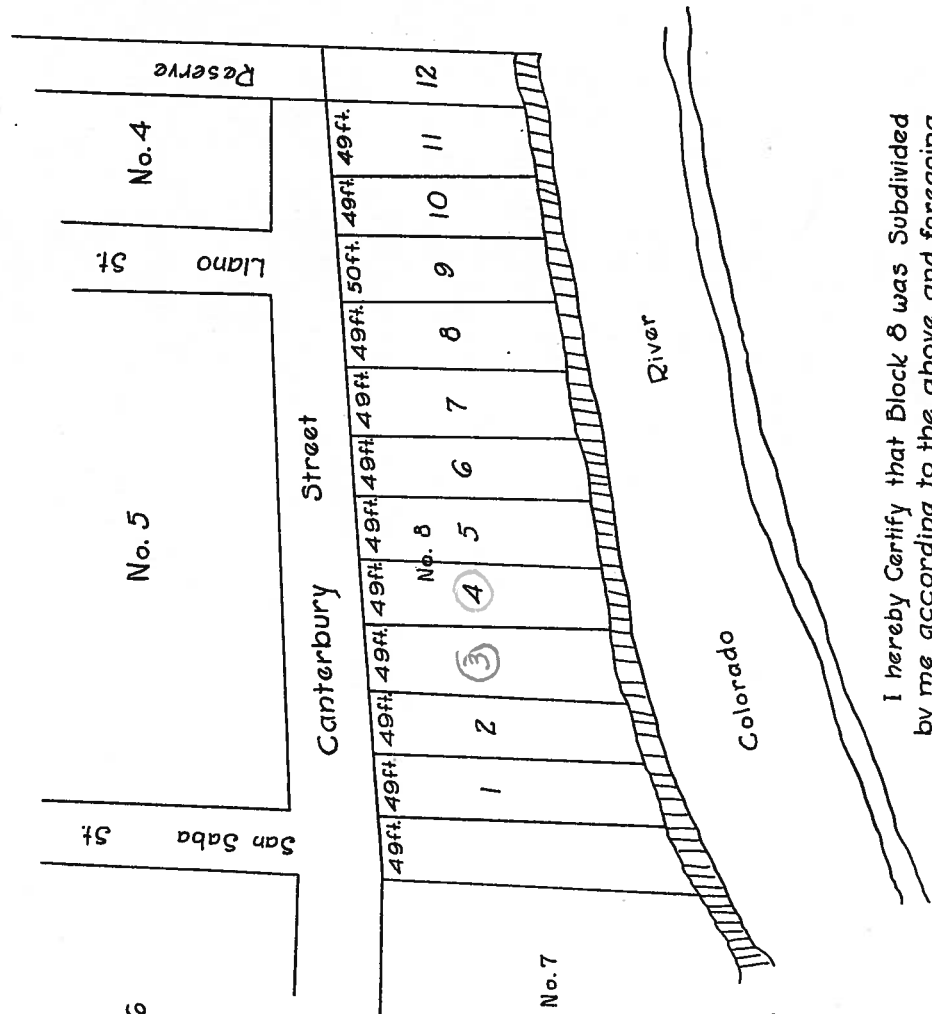
Filed Aug. 22, 1914 at 1/15 P.M. Recorded Aug. 22, 1914 at 2 P.M.

State of Texas#

County of Travis# Know all men by these Presents: That I, Hermann Becker, sole proprietor of Becker Lumber Company, for value received from John A. Gracy, have sold, assigned transferred and conveyed and by these presents do sell, assign, transfer and convey unto the said John A. Gracy, of the County of Travis in the State of Texas, one certain Mechanic's and Material Man's Lien, made and entered into by and between said Becker Lumber Company and P.A. Hill and his wife, Rebecca Hill as owners and first parties, both of Travis County, Texas, dated the 9th day of June, A.D. 1914, and recorded in Book No. 263, pages 382 to 393 inclusive, of the Mechanic's Lien Records of Travis County, to which said Mechanic's and Material Man's Lien and the record thereof, reference is here made for particulars and the said John A. Gracy is subrogated to all the rights, remedies

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Travis County Deed Records
Vol. 301 - Page 149

I hereby Certify that Block 8 was Subdivided
by me according to the above and foregoing
Plat.

Austin, Texas 5-10-16 H.G. Lee, C.S. Travis Co.

Annex to River View Addition, a subdivision of Outlots Nos. 41, 42 and 53
in Division "O" in the City of Austin Travis County Texas as per record
shown on Plat Book 2 Page 212 records of Travis County Texas.
Witness my hand this 10th day of May 1916.
F.M. Dubose

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AUSTIN, CITY OF—ACQUISITION OF LANDS

CHAPTER 44

H. B. No. 21

An Act to grant, sell and convey to the City of Austin, the two (2) tracts of land marked "Reserve" on the map of the City of Austin, according to a survey by Sandusky in 1840, which is on file in the General Land Office, and also the bed, banks of the Colorado River and the islands in said River, within the present city limits of the City of Austin, fixing the consideration for said grant; reserving all of the oil, gas and sulphur therein to the State; setting up certain requirements in event of resale of tracts and/or the sale of sand and gravel therefrom; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. By this Act, the Legislature of the State of Texas, for and in consideration of the sum of Ten Thousand Dollars (\$10,000) cash, (which sum shall be considered a token payment without any attempt to determine the true value thereof); and the further consideration of the protection of the public health, sanitation, civic improvement and police protection in and along the Colorado River within the corporate limits of the City of Austin, and for the general welfare (which is hereby declared and determined to be full and adequate consideration) hereby grants, sells and conveys, and by this Act does grant, sell and convey unto the City of Austin, a municipal corporation situated in Travis County, Texas, all those certain tracts or parcels of land situated in Travis County, Texas, and described as follows, to wit:

First Tract: Seventy-seven (77) acres of land more or less, commonly known as "Reserve", bounded on the North by Outlots 1 and 11, Division "Z", City of Austin, as established by a survey made by William H. Sandusky under an Act of Congress of the Republic of Texas, passed January 5, 1840; on the East by West Avenue as located by the said survey; on the South by the Colorado River; and on the West by the East line of the George W. Spear League; said tract being marked "Reserve" on the Sandusky map above referred to.

Second Tract: Sixty-seven (67) acres of land, more or less, bounded on the North by Outlots Numbers 62, 63, 65, 67, 68, 69, 70 and 71 in Division "O" in the City of Austin, shown by the Sandusky map above referred to; bounded on the East by the Colorado River; bounded on the South by the Colorado River, and on the West by East Avenue and the Colorado River.

Third: All land in the Colorado River, within the city limits of the City of Austin, including the bed and banks thereof and islands therein.

Sec. 1A. The grant hereby made to the City of Austin is made for public purposes and in the event of sale by the City of Austin, of the property herein granted, all parts thereof so sold shall revert to the State.

Sec. 2. The above lands are sold to the City of Austin with an express reservation of all of the oil, gas, and sulphur in and under said land, and said lands or any part thereof may be leased for the development of said minerals by the Commissioner of the General Land Office and the School Land Board, under the laws applicable thereto.

Sec. 3. The consideration for this land shall be paid to the Commissioner of the General Land Office of the State of Texas for the benefit of the Permanent Public Free School Fund; and a patent to said lands shall be issued to the City of Austin by the Governor and the Commis-

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STATE BOARD OF CONTROL—SALE OF LANDS Ch. 45

sioner of the General Land Office of the State of Texas. Upon the payment of the said consideration and the issuance of said patent, the title of the City of Austin to the said lands shall become absolute, subject to the reservations herein made.

Sec. 3A. In the event the City of Austin shall sell sand and gravel from the lands hereby granted, all such sales in excess of the first Five Thousand Dollars (\$5,000) derived therefrom shall belong to and be payable to the State of Texas, for which purpose the City of Austin is required to report all the receipts from that source to the Commissioner of the General Land Office of the State of Texas for the benefit of the Permanent Public Free School Fund and keep a perfect account thereof which shall be open to inspection of the Commissioner of the General Land Office and/or his representative at all times.

Sec. 4. The fact that the water supply of the City of Austin is being endangered by operations in the Colorado River bed and postponement of the effective date of this Act would hazard such water supply, creates an emergency, and an imperative public necessity that the Constitutional Rule which requires bills to be read on three several days in each House be suspended, and that the same become effective from and after its passage, and it is so enacted.

Passed the House, March 8, 1945: Yeas 117, Nays 5; House refused to concur in Senate amendments, March 15, 1945, and requested appointment of Conference Committee to consider differences between two Houses; House adopted Conference Committee Report, March 21, 1945: Yeas 122, Nays 6; passed the Senate, as amended, March 15, 1945: Yeas 25, Nays 1; at request of House, Senate appointed Conference Committee to consider differences between the two Houses; Senate adopted Conference Committee Report, March 20, 1945: Yeas 29, Nays 0.

Approved March 23, 1945.
Effective March 23, 1945.

STATE BOARD OF CONTROL—SALE OF LANDS

CHAPTER 45

H. B. No. 53

An Act authorizing and instructing the State Board of Control to sell two (2) tracts of land situated in Wichita County, Texas, aggregating forty-three and twelve one-hundredths (43.12) acres more or less; providing that abstracts or title insurance may be secured; and reserving a one-sixteenth (1/16) free royalty mineral interest; providing that the Chairman of the State Board of Control may execute a deed of conveyance; providing for disposition of funds; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. WHEREAS the State of Texas heretofore acquired title to certain lands out of and being a part of the J. A. Scott Survey No. 7, Abstract No. 295 in Wichita County, Texas, for the purpose of establishing and maintaining the Wichita Falls State Hospital; and

WHEREAS a part of the lands so acquired is located in two (2) irregularly shaped tracts of thirty-three and eighty-six one-hundredths (33.86) acres more or less, and nine and twenty-six one-hundredths (9.26) acres more or less respectively, aggregating forty-three and twelve one-hundredths (43.12) acres more or less, which two (2) tracts are cut off by a paved county highway from the lands used by said hospital, and

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ORDINANCE NO. 850502-U

AN ORDINANCE DEDICATING CERTAIN CITY OWNED LAND LOCATED ALONG OR NEAR TOWN LAKE AS PARKLAND; RESERVING EASEMENTS FOR EXISTING UTILITIES, DRAINAGE STRUCTURES, STREETS AND RIGHT-OF-WAYS; DEDICATING CERTAIN TRACTS OF LAND AS PARKLAND UPON THE TERMINATION OR CESSATION OF THEIR EXISTING USES; PROVIDING A SEVERANCE CLAUSE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That certain City owned parcels of land located along or near Town Lake between Tom Miller Dam on the west and Longhorn Dam on the east, three (3) parcels of land north of Bergman and east of Chicon, and south of Riverview, and the strip of land (or island) at south First Street and west First Street, the same being properties described in Exhibit A attached hereto and incorporated herein are dedicated for use as parkland.

PART 2. That certain existing structures, facilities, and right-of-ways presently situated on the above described lands are hereby specifically reserved as perpetual use easements to the City for present and future maintenance, repair, replacement, or enlargement, and all areas immediately adjacent thereto and necessary for access to said easements; the same being described as follows:

- (a) existing utilities, including but not limited to water intake, and lift stations, buffer zones, existing drainage lines and drainage structures, whether or not an easement has been previously dedicated across City owned land;
- (b) existing streets and right-of-ways.

PART 3. That the following tracts of land, the same being described in Exhibit B attached hereto and incorporated herein, shall immediately become parkland upon the termination or cessation of their existing uses:

- (a) Zachary Scott Theater lease and adjacent City-owned land bounded by streets, private properties and tract S-3 dedicated herein.
- (b) Green Water Plant and/or Seaholm Power Plant water intake structures south of West First Street and between tracts N-10 and N-11 herein.
- (c) Holly Street Power Plant and adjacent land used in connection therewith and being located between tracts N-16 and N-17 herein.

PART 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this sentence shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

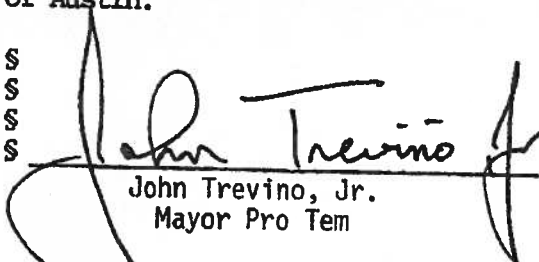
If any provision of this ordinance or the application thereof to any person, act, situation or circumstance is held invalid the remainder of this ordinance and the application of such provision to other persons, facts, situations or circumstances shall not be affected thereby.

PART 5. The rule requiring the reading of ordinances on three (3) separate days is hereby suspended, and this Ordinance shall become effective ten (10) days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED

May 2, 1985

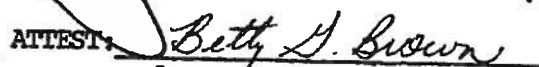
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John Trevino, Jr.
Mayor Pro Tem

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


Betty G. Brown
Deputy City Clerk

FG:mst
2MAY85

TRACT N-17

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A GENERAL DESCRIPTION OF THAT CERTAIN
TRACT OR TRACTS OF LAND ON THE NORTH BANK
OF TOWN LAKE IMMEDIATELY WEST OF LONGHORN
CROSSING DAM.

BEGINNING, at the intersection of the south curb line of Canterbury Street and the western curb line of Pleasant Valley Road;

THENCE, in a southerly direction with the western curb/guard rail line of said Pleasant Valley Road to the northern limits of Town Lake of the Colorado River;

THENCE, with the shoreline of Town Lake in a westerly direction and southerly direction to a peninsula man-made to aid in the cooling operation of the Holly Street Power Plant;

THENCE, continuing with the shore line around said peninsula in a easterly and thence westerly direction back to the main shore line of said Town Lake;

THENCE, leaving said shore line in a westerly direction to the fenced enclosure of said Holly Street Power Plant, said fenced enclosure being marked by a chain link fence;

THENCE, with said chain link fence in a northerly direction approximately 220 feet to all corner of said chain link fence enclosure, said corner being on the northern curb line of the easterly prolongation of Holly Street, said fenced enclosure marking the southern limits of Metz Park;

THENCE, with said chain link fence westerly approximately 240 feet;

THENCE, with the western limits of said Metz Park in a northerly direction to the termination of an interior fence marking the separation of Metz Park and that portion of City property used for the Canterbury Lift Station site;

THENCE, with said fence marking the separation of said Lift Station site and Metz Park westerly and northerly to the southern curb line of Canterbury Street;

THENCE, easterly with the southern curb line of Canterbury Street to the western curb line of Pedernales Street;

THENCE, southerly approximately 270 feet with said western curb line of Pedernales Street;

THENCE, crossing Pedernales Street and continuing easterly with the southern limits of the A. V. Riley Subdivision to the western limits of San Saba Street and continuing across San Saba Street to the eastern curb line of said San Saba Street;

THENCE, with the eastern curb line of said San Saba Street, northerly to the southern limits of River View Addition, a subdivision to the City of Austin, said southern limits being located on the top bluff line of the Colorado River;

THENCE, easterly along said southern limits of River View Addition and the top bluff of Colorado River to the southeast corner of Lot 10 of said River View Addition;

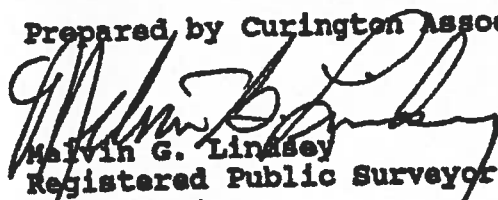
THENCE, northerly with the eastern limits of said Lot 10 to the southern curb line of said Canterbury Street;

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THENCE, easterly with said southern curb line of Canterbury Street to the PLACE OF BEGINNING.

The foregoing general description was prepared from records available and does not purport to be an actual survey on the ground or a survey prepared in the office from deed records.

Prepared by Curington Associates, Inc.


Melvin G. Lindsey
Registered Public Surveyor No. 1587

FN:MGL:owg
Job No. 80-165-3
4-30-85
Revised 5-21-85



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CITY OF AUSTIN, TEXAS
ORDINANCE NO. 861204-S

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: CERTAIN PROPERTY INCLUDED IN ZONING CASE C14-86-216, INITIATED BY THE CITY OF AUSTIN, AS IDENTIFIED ON THE MAP ATTACHED AND INCORPORATED INTO THIS ORDINANCE AS EXHIBIT "A", FROM "UNZ/SF-3" UNZONED/FAMILY RESIDENCE TO "P" PUBLIC DISTRICT, LOCALLY KNOWN AS 100 SOUTH PLEASANT VALLEY ROAD, 40-50 PEDERNALES AND 2317-2411 HOLLY STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district on that property which is within the incorporated city limits of the City of Austin, Travis County, Texas, included in zoning case C14-86-216, identified on the map attached hereto and hereby incorporated into this ordinance as Exhibit "A", from "UNZ/SF-3" Unzoned/Family Residence to "P" Public District, locally known as 100 South Pleasant Valley Road, 40-50 Pedernales, and 2317-2411 Holly Street.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

December 4, 1986

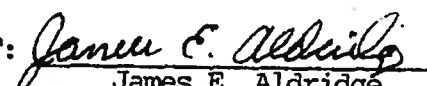
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Frank C. Cooksey
Mayor

APPROVED:


Barney L. Knight
City Attorney

ATTEST:


James E. Aldridge
City Clerk

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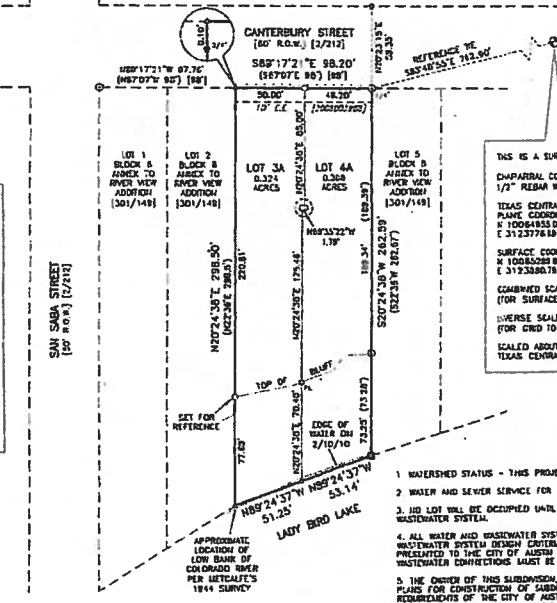
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AMENDED PLAT OF LOTS 3 & 4, BLOCK 8, ANNEX TO RIVER VIEW ADDITION

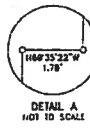
SCALE: 1" = 50'
GRAPHIC SCALE

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR WITH "PORTLAND" CAP FOUND
- 1/2" REBAR WITH CHAPARRAL CAP SET
- 1/2" ROD PIPE FOUND (OR AS NOTED)
- SUBMERGED 1" METAL BOLT FOUND
- CALCULATED POINT
- CONTROL POINT LOCATION
- ELECTRIC EASEMENT
- RECORD INFORMATION FROM METCALFE'S 1944 AND 1956 SURVEYS
- RECORD INFORMATION FROM [301/148]
- GENERAL RECORD INFORMATION
- SUBMERGED LOCATION



THIS IS A SURFACE DRAINAGE.
CHAPARRAL CONTROL POINT "P105"
1/2" REBAR WITH CHAPARRAL RANDOM CAP
TEXAS CENTRAL ZONE STATE
PLANE COORDINATES:
N 1008483.04
E 3123776.19
SURFACE COORDINATES:
N 1008508.81
E 3123880.78
COMBINED SCALE FACTOR = 0.99996874
(FOR SURFACE TO GRID CONVERSION)
INVERSE SCALE FACTOR = 1.0000312111
(FOR GRID TO SURFACE CONVERSION)
SCALED ABOUT 0.8
TEXAS CENTRAL ZONE 4203



1. WATERSHED STATUS - THIS PROJECT IS LOCATED IN THE TONY LAKE WATERSHED AND IS CLASSIFIED AS URBAN.
2. WATER AND SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY THE CITY OF AUSTIN.
3. NO LOT WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM.
4. ALL WATER AND WASTEWATER SYSTEM IMPROVEMENTS MUST BE IN ACCORDANCE WITH CITY OF AUSTIN WATER AND WASTEWATER SYSTEM DESIGN CRITERIA AND SPECIFICATIONS. ALL WATER AND WASTEWATER PLANS MUST BE PRELIMINARY TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY FOR REVIEW AND APPROVAL. ALL WATER AND WASTEWATER CONNECTIONS MUST BE INSPECTED BY THE CITY OF AUSTIN.
5. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VARIATION OR REPLACING MAY BE REQUIRED AT THE OWNER'S SOLE EXPENSE. IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
6. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. SWAMP BLANK-OFF SHALL BE HELD TO THE STANDARD ESTABLISHED BY THE REGIONAL DETENTION PLANS APPROVED BY THE CITY OF AUSTIN. EXCEPT THAT RUN-OFF IN EXCESS OF THE AMOUNT ESTABLISHED FOR THE REGIONAL DETENTION SYSTEM SHALL BE DETAINED BY THE USE OF CISTERN PONDING OR OTHER APPROVED METHODS.
7. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS AS NECESSARY TO KEEP THE CASCHISTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
8. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND Ongoing MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
9. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, DETENTION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY SETBACK LINE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL RELOCATE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
10. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
11. PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG THE FOLLOWING SHEETS, AS SHOWN BY A DOTTED LINE ON THE PLAT. CANTEBURY STREET. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS WILL RESULT IN THE WITHDRAWAL OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
12. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY OF AUSTIN STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.
13. ALL NOTES AND RESTRICTIONS FROM THE PREVIOUS PLAT, "ANNEX TO RIVER VIEW ADDITION", RECORDED IN VOLUME 301, PAGE 148 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SHALL APPLY TO THIS AMENDED PLAT/SUBDIVISION PLAT.
14. APPROVAL OF NON-COMPLIANT EMERGENCY ACCESS HAS BEEN APPROVED, AS REQUESTED BY THE OWNER, PER EXCEPTION IN THE FIRE CODE IN EFFECT ON 1/28/2010 FOR LOT(S) 24, 25, 26. THIS EXCEPTION IS LIMITED TO CONSTRUCTION OF NO MORE THAN TWO SINGLE FAMILY RESIDENCES IMPACTED BY THE NON-COMPLIANT ACCESS CONDITION.

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBAUNIOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE.

ON THE 27 DAY OF Sept. A.D. 2010, AT 11:01 A.M. AND DAY.

RECORDED ON THE 27 DAY OF Sept. A.D. 2010, AT 11:01 A.M. AND DAY.

BY _____ COUNTY CLERK, TRAVIS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

THAT DEVEN LLC, BEING OWNER OF 0.632 ACRES IN OUTLOT 53, DIVISION D, GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, BEING ALL OF LOTS 3 & 4, BLOCK 8, ANNEX TO RIVER VIEW ADDITION, A SUBDIVISION OF RECORD IN VOLUME 301, PAGE 148 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND CONTROLLED BY DEED OF RECORD IN DOCUMENT NO. 200805505 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

DO HEREBY JUDICIAL SAYS LOT, PURSUANT TO CHAPTER 212.016 OF THE TEXAS LOCAL GOVERNMENT CODE, FOR THE SOLE PURPOSE OF RE-LOCATING THE CHANON LOT LINES, IN ACCORDANCE WITH THE MAP ON PLAT ATTACHED, TO BE KNOWN AS:

AMENDED PLAT OF LOTS 3 & 4, BLOCK 8, ANNEX TO RIVER VIEW ADDITION

AND DO HEREBY DEED TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESSETH: ON AND THIS 10th DAY OF September, 2010.

BY: Dan Foster, Managing Partner
DEVEN LLC
1801 LUNDA, STE 170
AUSTIN, TEXAS 78701

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAN FOSTER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL IN MY OFFICE, THIS 10 DAY OF Sept. 2010.

Beth A. Reynolds
NOTARY PUBLIC, STATE OF TEXAS
Beth A. Reynolds July 30, 2011
MY COMMISSION EXPIRES



SURVEYOR'S CERTIFICATION

I, JOE BEN EARLY, JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLETES WITH THE SURVEYING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1999 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION, MADE ON THE GROUND SEPTEMBER 9, 2010.

JOE BEN EARLY, JR., R.P.L.S. 6018

SURVEYED BY:
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 MCALL LANE
AUSTIN, TEXAS 78744
(512) 443-1724



THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL LIMITS OF THE CITY OF AUSTIN ON THIS THE 22nd DAY OF September, 2010.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, PLANNING & DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS 22nd DAY OF September, 2010.

Greg Euerby
DIRECTOR
PLANNING & DEVELOPMENT REVIEW DEPARTMENT

BEARING BASED ERO AUSTIN FOR TEXAS CENTRAL ZONE
STATE PLANE COORDINATES, 1983/703 HARB BASED ON GPS
SOLUTIONS FROM THE NATIONAL ELLIPTIC SURVEY (NCS)
ON-LINE POSITIONING USER SERVICE (OPUS)

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO:
040-069
DRAWING NO:
040-069-PL1
PLOT DATE:
9/9/10
PLOT SCALE:
1" = 50'
DRAWN BY:
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SHEET
01 OF 01

D.2
7/12

| TaxNetUSA: Travis County Property Information | | | | Property ID Number: 187549 Ref ID2 Number: 02001004010000 | | | |
|---|--|--|--|---|--|--|--|
| Owner's Name CITY OF AUSTIN Mailing Address PO BOX 1068 AUSTIN, TX 76767-1068 Location SAN SABA ST 76702 Legal 1.5 AC OLT 53 DIVISION O | | | | Property Details Deed Date Deed Volume Deed Page Exemptions Freeze Exempt ARB Protest Agent Code Land Acres Block Tract or Lot Docket No. Abstract Code Neighborhood Code 2011 Preliminary 326,700.00 0.00 0.00 0.00 0.00 0.00 326,700.00 0.00 326,700.00 | | | |
| Value Information Land Value Improvement Value AG Value AG Productivity Value Timber Value Timber Productivity Value Assessed Value 10% Cap Value Total Value | | | | Data up to date as of 2011-07-22 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 | | | |
| Value By Jurisdiction Entity Code 0A 01 02 03 2J 68 | | | | 2010 Tax Rate 1.227000 0.457100 0.465800 0.071900 0.095100 | | | |
| Improvement Information Improvement ID | | | | Assessed Value 326,700.00 326,700.00 326,700.00 326,700.00 326,700.00 326,700.00 | | | |
| Segment Information Imp ID | | | | Taxable Value 0.00 0.00 0.00 0.00 0.00 0.00 | | | |
| Land Information Land ID 185708 | | | | Market Value 326,700.00 326,700.00 326,700.00 326,700.00 326,700.00 326,700.00 | | | |
| State Category Description Type Code Seg ID | | | | Appraised Value 326,700.00 326,700.00 326,700.00 326,700.00 326,700.00 326,700.00 | | | |
| Type Code LAND | | | | Effective Year Built 0 | | | |
| SPTB Code C1 | | | | Total Living Area 0 | | | |
| Homesite F | | | | Front 0 | | | |
| Size-Acres 1.500 | | | | Depth 0 | | | |
| Size-Soft 65,340 | | | | Area 0 | | | |
| <input type="button" value="show history"/> | | | | | | | |

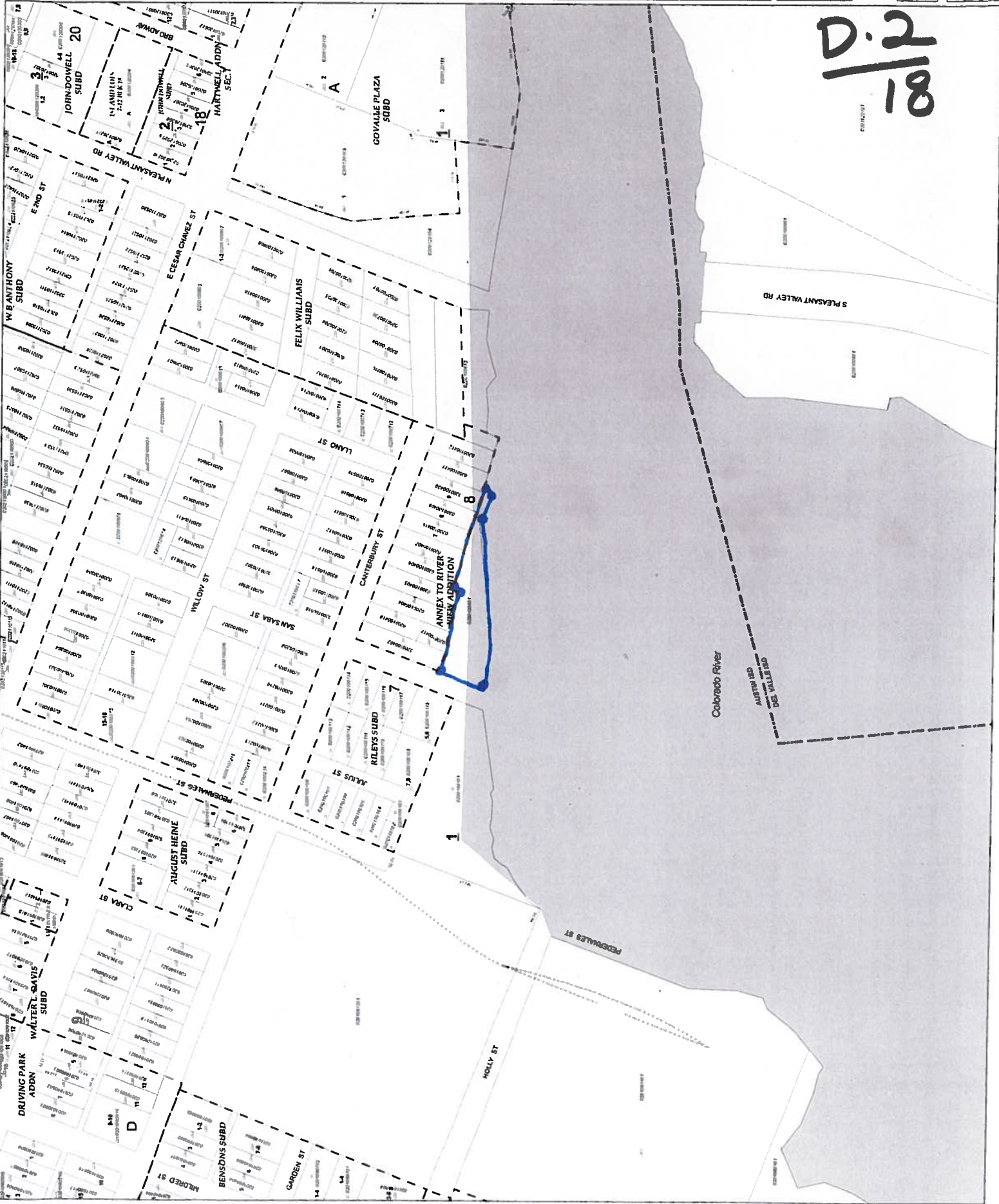
Travis Central Appraisal District
 8314 Cross Park Drive
 Austin, Texas 78754
 Internet Address: www.traviscentral.org
 Main Telephone Number (512) 834-0317
 Appraisal Information (512) 834-0318
 TDD (512) 834-3328

This map was compiled solely for the use of TCAD. Areas depicted by these data products are approximate engineering standards. Conclusions drawn from this information are not necessarily accurate for mapping, surveying or engineering purposes. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

NAD 1983 StatePlane
 Texas, Central FIPS 4203 Feet
 Projection: Lambert_Conformal_Conic
 Scale: 1 inch = 100 feet map
 1 inch = 100 feet map
 1 inch = 100 feet map

| Year | Assessment |
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 Revision Date
 02/25/2010
 2 0010





D. 2
20

June 14, 2011

Mr. Dave Sullivan, Chairman
City of Austin Planning and Zoning Commission
301 W. Second St.
Austin, TX 78701

Re: Rezoning of 2605 Canterbury St. – Austin, TX

Dear Chairman and Members of the Commission,

On behalf of the property owner of the single family lot at 2605 Canterbury St., Austin, TX 78702, we are respectfully requesting the commission's consideration of a zoning change for the rear portion of the property along the shoreline of Lady Bird Lake that was erroneously Zoned P-NP some time ago. In an effort to develop the property in its entirety, the owner would like to return this portion to the proper SF-3 NP residential zoning. (See attached Exhibit "A".)

After extensive research by my firm and City staff, it was determined that the City of Austin ownership of this portion of the property, between the bluff and the shoreline, was erroneous and no proper claim to the property existed. Mr. Greg Guernsey, the director of the Planning and Development Review Dept. has confirmed these findings and is currently assisting us with a City initiated zoning change for the property in an effort to expedite the matter.

Please feel free to contact me if you have any questions or if I can be of further assistance.

Respectfully Submitted,



Terrence Ortiz, P.E.
President
LOC Consultants, LLP
Structural Division, Inc.

TO/jn
copy: file, Elizabeth Melvin, Paul Balmuth
C:\letters\2011\Melvin Residence COA.doc

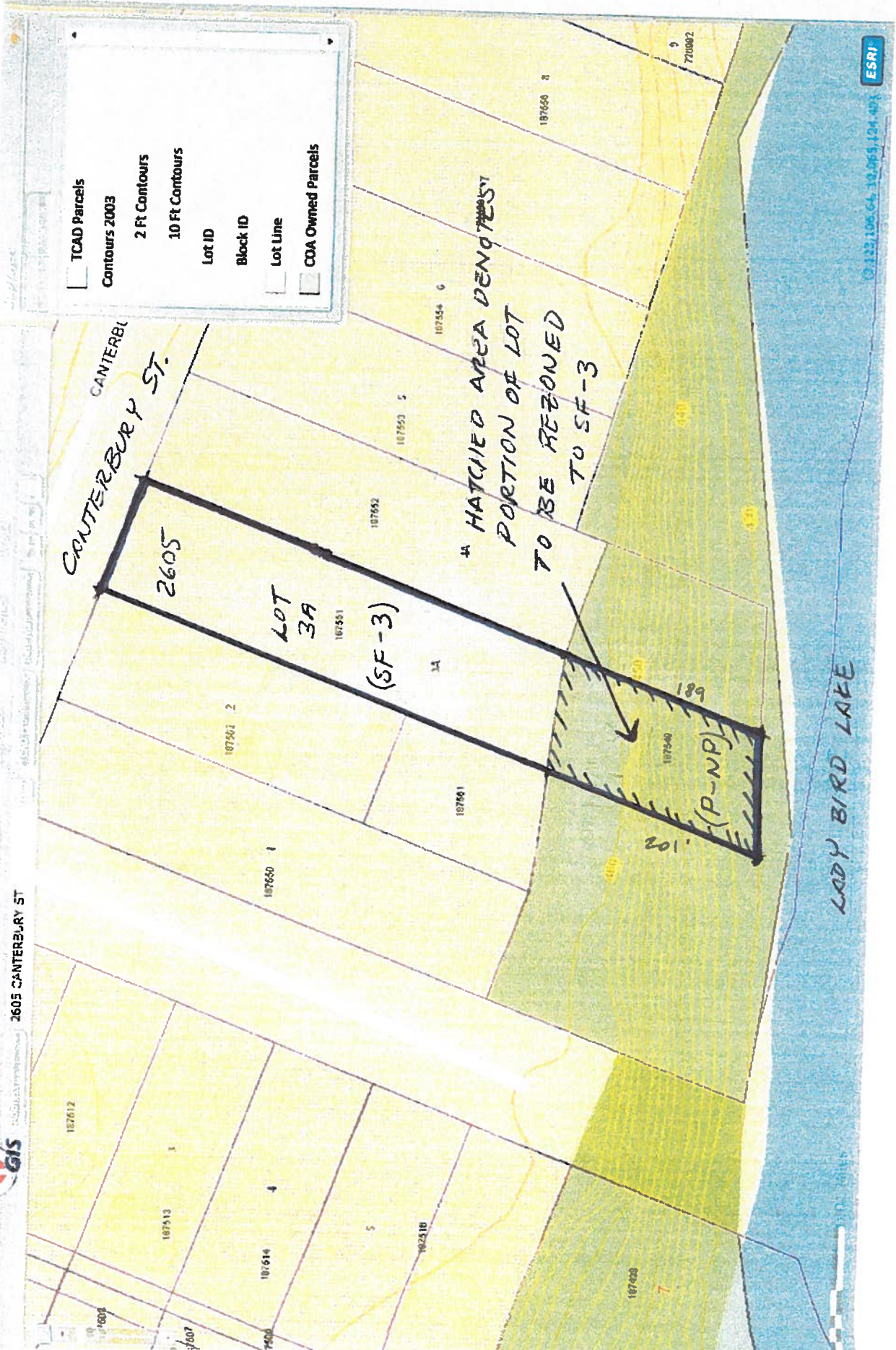


EXHIBIT A

D.2
21